

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HERIBERTO RODRIQUEZ,)	
)	2:10cv1383
Plaintiff,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Eddy
UNIT MANAGER WALKER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Heriberto Rodriquez ("Plaintiff") is a state prisoner currently incarcerated at the State Correctional Institution at Retreat ("SCI-Retreat"), in Hunlock Creek, Pennsylvania. Plaintiff brings the instant lawsuit pursuant to the Civil Rights Act of 1871, 42 U.S.C § 1981, *et seq.*, alleging violations of the Constitution of the United States by a host of Defendants. (Doc. 5). This suit commenced with the receipt of the complaint, along with motion to proceed *in forma pauperis* ("IFP"), on October 20, 2010. (Doc. 1). Plaintiff was granted leave to proceed IFP on November 9, 2010. (Doc. 4). On December 9, 2010, Plaintiff was ordered to provide service copies of the complaint, U.S. Marshal 285 forms, and notice and waiver of summons forms for each Defendant, on or before January 3, 2011. (Doc. 8). Having failed to provide these documents, which are necessary for the Marshals to serve the complaint, Plaintiff was issued an order to show cause on January 12, 2011. (Doc. 10). As of the date of this writing, Plaintiff has not complied with this order, nor has he sought an extension of time in which to do so, nor has he provided the above-mentioned service documents.

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On October 17, 2011, the magistrate judge issued a report

and recommendation recommending that this case be dismissed for Plaintiff's failure to comply with the orders of this Court, as well as his failure to prosecute. (Doc. 11). A copy of the report was mailed to Plaintiff at his address of record, and Plaintiff was given until October 31, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 11) the following ORDER is entered:

AND NOW, this 3rd day of November, 2011,

IT IS HEREBY ORDERED that this case is DISMISSED, without prejudice.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 11) is adopted as the opinion of this Court.



David Stewart Cercone
United States District Judge

cc: Heriberto Rodriquez
FW1620
660 State Route 11
Hunlock Creek, PA 18621

(Via First Class Mail)